

Declaration of Thomas Harris

RE: Harris V. Schaller  
Case No. 15-cv-397-wmc

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I, Thomas Harris, hereby declare that the following facts are true and correct to the best of my ability and sworn to under oath pursuant to 28 U.S.C § 1746 under penalty of perjury.

1. While a resident at GreenBay Correctional I was released from the segregation unit to the step unit on August 3, 2013. On August 5, 2013, I received my property which was missing all legal material including all documents regarding my lawsuit filed in the Western District Court of Wisconsin.
2. On August 5, 2013, I also received a brown bag with two orders from the United States Western District Court of Wisconsin. These orders were completely ripped up. I could not decipher the entire order only portions.
3. From what I could make out the first order of June 20, 2013, ordered me to pay a filing fee of \$149.50 by July 12, 2013, or my case would be dismissed. The second order stated the court ordered me to pay a filing fee, I had failed to pay the filing fee so my case was dismissed for want of prosecution.
4. The middle section of pages of both orders were so badly ripped or missing that I couldn't put the orders back in complete form. I did not have or could not decipher the portion of the July 30, 2013, order that said I could still pay the filing fee because that portion of the order was not there.
5. I did my best to tape the orders back together and thought I had done so.
6. Even if I had been provided a complete copy of the July 30, 2013, order, I could not have paid the filing fee in that short period due to GreenBay Correctional (GBCI) policy.
7. GBCI only allows the business office to send out funds to pay filing fees. The inmate has to submit a copy of the court order to the business office with a disbursement request that request the payment be sent to the court.
8. To receive a copy of the court order inmates must put in a request to the librarian to attend the library for copies. Even with a court deadline inmates are scheduled the following week or so later. Then the inmate has to get the copy of the order, place it in a prepaid envelope addressed to the court the payment goes and have it approved. Then it goes to

the business office where my account has to be verified, what portion of fee comes from my release account then the payment is mailed to the court. This process takes two to three weeks.

9. GBCI does not allow damaged or altered documents to be copied, so once I taped the orders I could not have had them copied nor would the business office except them because they appeared altered damaged. So, no payment would have been authorized.
10. I thought my case was dismissed, so I sent the taped orders to my brother Walter Smith who responded letting me know my case was dismissed and could only be refiled, which I could not do without the documents and evidence that was destroyed by the defendants.

Sworn to pursuant to 28 U.S.C. § 1746 By,

  
THOMAS HARRIS

Dated this 12th day of October, 2018.